

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CR-00274-BO


UNITED STATES OF AMERICA,)	
)	
v.)	ORDER
)	
DENNIS MORRIS PERSCELL,)	

This matter is before the Court on Defendant's *pro se* motion for transcript [DE-20] and motion to proceed *in forma pauperis* [DE-22]. Defendant requested a copy of the transcript from his sentencing and a copy of the docket sheet in this case. He stated that he is "working on some legal affairs" and needs information from these documents. Def.'s Mot. at 1 [DE-20]. Defendant also claimed he does not have the funds to pay for the copies. *Id.*

While 28 U.S.C. § 753(f) provides that indigent criminal defendants be given free access to transcripts under certain conditions, Defendant has not met those conditions. The case law in the Fourth Circuit is clear that "an indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw." *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). The Court concludes that Defendant failed to state a particularized need for his sentencing transcript. *See Jennings v. United States*, No. 7:07-CR-113-BO, 2010 WL 3200109, at *1 (E.D.N.C. Aug. 12, 2010) (denying request for free transcripts where petitioner failed to explain why documents were "specifically needed, or how they will support his claim, or what specifically he expects to find in the transcripts to show that his request is not merely a fishing expedition.") With respect to the requested copy of the docket sheet in this case, the Clerk's Office is **DIRECTED** to provide Defendant one free copy of the docket sheet.

Accordingly, Defendant's motion for transcript [DE-20] is **GRANTED IN PART AND DENIED IN PART** and Defendant's motion to proceed *in forma pauperis* [DE-22] is **DENIED**.

This the 19th day of November, 2010.



DAVID W. DANIEL
United States Magistrate Judge